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by Lisa Donbrosky

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
DOUGLAS E. OTT, et al.

Serial No. 09/314,052

Filed: May 18, 1999

For: METHOD AND APPARATUS  
FOR CONDITIONING GAS FOR  
MEDICAL PROCEDURES

)  
) Group Art Unit 3763

)  
) Examiner: M. Mendez

)  
) Attorney Docket 1-15372

)  
) Paper No. 28

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October 26, 2005

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22213-1450

AMENDMENT AND RESPONSE TO

"NOTICE OF NON-COMPLIANT AMENDMENT" (37 CFR 1.121)

Honorable Sir:

Applicants, in response to the Official Action of October 14, 2004, filed an Amendment dated February 9, 2005. The Amendment was originally directed to Examiner M. Thompson, but re-directed to Examiner Manuel Mendez, as Examiner Thompson had left the US Patent and Trademark Office. Examiner Mendez issued a "Notice of Non-Compliant Amendment (37 CFR 1.121)" because Applicants had failed to indicate how the newly presented claims were

allowable over certain prior art. Applicants were given one month to respond, up to and including July 30, 2005.

Applicants now present their Amendment and Response to the Notice of Non-Compliant Amendment (37 CFR 1.121) to comply with the Examiner's notice. A request for a three month extension in the term for reply, up to and including October 30, 2005, accompanies this amendment.

Because the prior Amendment was not entered and developments have occurred in the co-pending application, which Applicants have copied claims from, Applicants have presented a similar but slightly different set of claims from those presented in the Amendment deemed non-compliant. As the prior Amendment was not entered, these claims are newly presented.